

**GARTH W. AUBERT – SBN 162877**  
**COURTNEY M. POEL – SBN 246299**  
**MENDES & MOUNT, LLP**  
445 S. Figueroa Street, 38th Floor  
Los Angeles, CA 90071-1601  
Tel.: (213) 955-7700/ Fax: (213) 955-7725  
Email: [Garth.Aubert@mendes.com](mailto:Garth.Aubert@mendes.com)  
Email: [Courtney.Poel@mendes.com](mailto:Courtney.Poel@mendes.com)

Attorneys for Defendant  
**PRATT & WHITNEY CANADA CORP.**

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

GEORGE GUND III, Individually,  
and as the personal representative of  
the ESTATE OF GREG GUND;  
THEO GUND, an individual, (and  
divorced from GEORGE GUND);  
GEORGE GUND IV, an individual;  
and GG AIRCRAFT, LLC,

Plaintiffs,

vs.

PILATUS AIRCRAFT, LTD.;  
PILATUS BUSINESS AIRCRAFT,  
LTD.; PRATT & WHITNEY  
CANADA CORP.; and DOES 1  
through 30, inclusive,

Defendants.

CASE NO. C-07-4902-VRW

**NOTICE OF PENDENCY OF  
OTHER ACTION OR  
PROCEEDING**

**[Pursuant to Northern District Local  
Rule 3-13]**

TO THE CLERK OF THE NORTHERN DISTRICT COURT OF CALIFORNIA  
AND TO PLAINTIFFS AND THEIR COUNSEL:

PLEASE TAKE NOTICE that the instant action involves a material part of  
the same subject matter and substantially all of the same parties as another matter,  
which was recently removed from the San Francisco Superior Court, Case No.  
CGC-07-465132, Rezabek-Kells, et al. v. Pilatus Aircraft, LTD., et al. (hereinafter,

1 "Kells v. Pilatus"). Kells v. Pilatus was removed to the United States District  
2 Court for the Northern District of California on August 7, 2008, and the matter is  
3 now pending before this Court as Case No. CV-08-3795-JL.

4 The instant case is related to the Kells v. Pilatus action because it arises from  
5 the same incident, a July 16, 2007, aircraft accident involving a Pilatus PC-6  
6 aircraft, serial no. 908, and FAA Registration No. N908PL, near Playa Flamingo,  
7 Costa Rica. The two cases have been filed by the successors-in-interest and heirs  
8 of the deceased passengers and pilot on the flight. Additionally, the removing  
9 party Pratt & Whitney Canada Corp. remains the only defendant appearing in both  
10 cases.

11 As such, the two cases will involve substantially the same evidence,  
12 witnesses, and legal issues. Thus, the two cases should be coordinated for  
13 purposes of discovery and pretrial proceedings only to avoid potential conflicts, to  
14 conserve judicial resources and to promote the efficient pretrial management of the  
15 action.

16  
17 DATED: August 19, 2008

**MENDES & MOUNT, LLP**

18  
19 By: \_\_\_\_\_

20 Garth W. Aubert  
21 Courtney M. Poel  
22 Attorneys for Defendant  
23 **PRATT & WHITNEY**  
24 **CANADA CORP.**  
25  
26  
27  
28

## PROOF OF SERVICE

STATE OF CALIFORNIA )  
COUNTY OF LOS ANGELES ) ss. **Gund v. Pilatus Aircraft, Ltd.**  
**USDCC Case No. C 074902(VRW)**  
**Our File No. 390,583**

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 445 S. Figueroa Street, Suite 3800, Los Angeles, California 90071.

On August 19, 2008, I served the document described as **NOTICE OF PENDENCY OF OTHER ACTION OR PROCEEDING** on the interested parties in this action, as follows:

**SEE ATTACHED SERVICE LIST**


X (By U.S. Mail) By placing \_\_\_\_\_, the original / X a true copy thereof enclosed in a sealed envelope, with postage fully paid, addressed as per the attached service list, for collection and mailing at Mendes & Mount in Los Angeles, California following ordinary business practices. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit.

**(By Facsimile)** I transmitted from a facsimile transmission machine whose telephone number is (213) 955-7725 the above-entitled document to the parties listed on the attached Service List and whose facsimile transmission machine telephone number is indicated. The above-described transmission was reported as complete without error by a transmission report issued by the facsimile transmission machine upon which the said transmission was made immediately following the transmission. A true and correct copy of the said transmission report is attached hereto and incorporated herein by this reference.

(By FedEx) I placed the above-entitled document in a FedEx (Overnight) envelope/pouch as addressed and indicated on the attached service list, with delivery fees paid or provided for and deposited in a facility regularly maintained by the express service carrier or delivered to a courier or driver authorized to receive documents on its behalf.

X (FEDERAL) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on **August 19, 2008**, at Los Angeles, California.

  
Lissette M. Fernández

**SERVICE LIST**

**VIA U.S. MAIL**

**Attorneys for Plaintiff**

Walter J. Lack  
Elizabeth L. Crooke  
Engstrom, Lipscomb &  
Lack  
10100 Santa Monica Blvd.,  
16<sup>th</sup> Floor  
Los Angeles, CA 90067-  
4107  
310-552-3800 / 310-552-  
9434 (fx)

**VIA U.S. MAIL**

Bruce J. Berman  
Jeffrey A. Rossman  
McDermott Will & Emery  
LLP  
201 S. Biscayne Blvd., Ste.  
2200  
Miami, FL 33131  
305-347-6530  
305-347-6500 (Fx)

**VIA U.S. MAIL**

Attorneys for Kells  
Plaintiffs  
Stuart R. Fraenkel  
Kreindler & Kreindler  
707 Wilshire Blvd.  
Ste. 4100  
Los Angeles, CA 90017  
Tel: 213-622-6469  
Fax: 213-622-6019

**VIA U.S. MAIL**

Jonathan S. Morse  
The Morse Law Group  
2800 28<sup>th</sup> Street  
Ste. 130  
Santa Monica, CA 90405-  
6213  
Tel: 310-396-0700  
Fax: 310-396-0900

**VIA U.S. MAIL**

Noah Kushlefsky  
Brian J. Alexander  
Kreindler & Kreindler, LLP  
100 Park Avenue  
New York, NY 10017  
Tel: 212-687-8181  
Fax: 212-972-9432